

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE CASTELLANOS

Defendant.

CR 04-40148 DLJ

STIPULATION AND  
**ORDER** CONTINUING SENTENCING  
HEARING

THE PARTIES HEREBY STIPULATE AND AGREE to continue the  
sentencing hearing presently set for January 22, 2010 at 10:00  
a.m., to March 26, 2010, at 10:00 a.m.

The requested continuance is predicated upon the need for  
additional time for effective preparation of the presentence  
report, at the unopposed request of United States Probation.

A change of plea was entered on July 27, 2009. Sentencing  
was set for November 6, 2009, but then continued to January 22,  
2010, at the request of defendant and United States Probation.

United States Probation Officer Chris Carrubba interviewed  
Mr. Castellanos on December 7, 2009, and advised that despite  
due diligence, additional time was necessary for the effective  
preparation of the presentence report (which was due in final  
form to the Court on January 8, 2010).

1 Although Ms. Carrubba advised that only a few weeks extra  
2 would be sufficient, the next calendar date that all parties are  
3 available (including the government's case agent) is March 26,  
4 2010.

5 The parties further stipulate that time is excludable from  
6 the time limitations of the Speedy Trial Act because the  
7 interests of justice are served by granting a continuance. This  
8 continuance, requested by the parties, will permit continuity of  
9 counsel, and allow the reasonable time necessary for effective  
10 preparation, taking into account the exercise of due diligence.  
11 18 U.S.C. sections 3161(h)(8)(A) and (B)(iv).

12 For all the foregoing reasons, the parties stipulate to  
13 the continuance of the sentencing hearing as set forth above.

14 Dated: January 19, 2010

15  
16 /s/ TIMOTHY LUCEY  
TIMOTHY LUCEY  
17 Assistant U.S. Attorney

/s/ SHARI L. WHITE  
SHARI L. WHITE  
Attorney for JOSE CASTELLANOS

18  
19 **ORDER**

20 Based on the stipulation above, the Court hereby finds  
21 that the request for a continuance is reasonable, and hereby  
22 VACATES the January 22, 2010 sentencing hearing as to Defendant  
23 Castellanos, and resets same for March 26, 2010, at 10:00 a.m.

24 **IT IS SO ORDERED.**

25 Dated: January 20, 2010

26   
D. LOWELL JENSEN, Judge  
United States District Court